HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No. 17790 OF 2005

Dated 29-11-2005

Between :

Malothu Mangya, son of late M.Goliya, aged 65 years, Occupation : Agriculture; resident of Sunkara Banjaru village, H/o Tungaram, Chandrugonda Mandal, Khammam District.

...petitioner.

And :

1. The District Collector/Agent to Govt. Khammam District and others.

…Respondents.

ORDER :

This writ petition has been filed by Malothu Mangya with prayer to issue writ or direction preferably writ of mandamus declaring the action of the Revenue Divisional Officer/Agency Divisional Officer-2nd respondent in not taking appropriate action on his representation dated 06-08-2005 in respect of the land admeasuring Ac.19-00 in Sy.No.58/AA situated at Sunkara Banjaru village, H/o Tungaram, Chandrugonda Mandal, Khammam District as illegal and arbitrary.

2. The case of the petitioner is that his father was the patadar of the land of an extent of Ac.03-07 gts. in S.No.38/AA, Ac.0-30 gts. in S.No.43/AA and Ac.39-00 out of S.No.58/AA/1 situated at Sunkararamachandraiah Banjar of Tungaram village, Chandrugonda Mandal, Khammam District. While so, his brother who is the 4th respondent has encroached Ac.19-00 out of Sy. No.58/AA and therefore, he approached the respondents 1 and 2 to take necessary action and settle the dispute. He claims to have presented a representation dated 06-08-2005 before the 2nd respondent. As there is no action on the part of the respondents 1 and 2, the petitioner has chosen to approach this Court by invoking jurisdiction under Article 226 of the Constitution of India.

3. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents 1 to 3. The 4th respondent, despite service of notice, has not chosen to appear before the Court.

4. The learned counsel for the petitioner submits that the 2nd respondent is an Agent to the Government and so he has to adjudicate the civil dispute and as no action has been initiated on the representation of the petitioner and a writ is required to be issued to the 1st respondent to take necessary action.

5. There appears to be a civil dispute between the petitioner and the 4th respondent who are no other than the own brothers and in which case, the petitioner has to initiate necessary proceedings before the 1st respondent in accordance within the

Andhra Pradesh Agency Rules.

6. In that view of the matter, the writ petition is disposed of giving liberty to the petitioner to take recourse in accordance with the Andhra Pradesh Agency Rules. No costs.

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Justice B. SESHASAYANA REDDY

Date : 29th November, 2005.

Dvs

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